

Court of Appeals, State of Michigan

ORDER

Susan Masters v Adam Dean Blanchard

Docket No. 287421

LC No. 07-022667-NI

Richard A. Bandstra
Presiding Judge

Joel P. Hoekstra

Michael R. Smolenski
Judges

The Court orders that both motions for clarification of this Court's December 23, 2008 order are GRANTED. That order is amended to read as follows:

The trial court granted summary disposition to defendant on the sole basis that plaintiff had not demonstrated an objectively manifested injury. Although defendant had also raised the issue of whether plaintiff's general ability to lead her normal life was affected, the trial court did not rule on it, and we take no position on that question. Pursuant to MCR 7.205(D)(2), in lieu of granting the application for delayed appeal, the Court VACATES the circuit court's April 21, 2008 order to the extent that it found no objectively manifested injury to plaintiff's shoulder. In all other respects, the application is DENIED for lack of merit. This case is REMANDED for further proceedings consistent with this order. We do not retain jurisdiction. This order shall have immediate effect. MCR 7.215(F)(2)

Smolenski, J. not participating, having resigned from the Court of Appeals effective January 1, 2009.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 17 2009
Date

Sandra Schultz Mengel
Chief Clerk